

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13542

PERMIT 8041

LICENSE 4134

ORDER CORRECTING DESCRIPTION OF EXISTING POINT OF
DIVERSION, ALLOWING ADDITION OF POINT OF
DIVERSION AND CHANGE IN PLACE OF USE

WHEREAS, License 4134 was issued to William D. and Bertha Byers and was filed with the County Recorder of Placer County on September 6, 1955, and

WHEREAS, said license was subsequently assigned to E. L. Byers, C. H. Byers, and Odis Byers, and

WHEREAS, the State Water Resources Control Board has found that the correction of description of point of diversion, addition of point of diversion, and change in place of use under said license for which petitions were submitted on October 15, 1969, and revised on June 9, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS, the Board has approved and allowed said correction and changes and has directed that an order be issued to describe said points of diversion and place of use in accordance with said petitions;

NOW, THEREFORE, IT IS ORDERED that permission be and the same is hereby granted to correct the description of the point of diversion

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and to add a point of diversion under said License 4134 so that points of diversion are described as follows, to wit:

- (1) SOUTH 1,420 FEET AND WEST 230 FEET FROM NE CORNER OF SECTION 12, T12N, R6E, MDB&M, BEING WITHIN $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SAID SECTION 12.
- (2) NORTH 1,200 FEET AND EAST 1,200 FEET FROM SW CORNER OF $NW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SECTION 12, T12N, R6E, MDB&M, BEING WITHIN $NW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SAID SECTION 12.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said License 4134 to a place of use described as follows, to wit:

12 ACRES WITHIN $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 12, T12N, R6E, MDB&M.
3 ACRES WITHIN $SW\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 12, T12N, R6E, MDB&M.
10 ACRES WITHIN $NE\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SECTION 12, T12N, R6E, MDB&M.
<u>5 ACRES WITHIN $NW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SECTION 12, T12N, R6E, MDB&M.</u>
30 ACRES TOTAL

Dated: SEP 3 1970

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 13542

PERMIT 8041

LICENSE 4134

THIS IS TO CERTIFY, That William D. Byers and Bertha Byers Notice of Change (Over)
Route 1, Box 160
Lincoln, California have made proof as of August 5, 1954,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
an unnamed creek in Placer County

tributary to Auburn Ravine

for the purpose of irrigation and stock-watering uses
under Permit 8041 of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from January 18, 1950;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed two tenths (0.2) cubic foot
per second to be diverted from about April 15 to about November 15 of each year.

The equivalent of such continuous flow allowance for any thirty day period
may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located north one thousand two hundred (1200)
feet and east one thousand (1000) feet from SW corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12,
T 12 N, R 6 E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows:

stock-watering uses within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T 12 N, R 6 E, MDB&M and
irrigation of:

10 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T 12 N, R 6 E, MDB&M
10 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T 12 N, R 6 E, MDB&M
10 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T 12 N, R 6 E, MDB&M
30 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 2nd
day of September, 19 55

A. D. EDMONSTON, State Engineer

By Harvey O. Banks
HARVEY O. BANKS
Assistant State Engineer



12-14-69 RECEIVED NOTICE OF ASSIGNMENT TO E.L., C.H. and Odis Byers

2-4-74 Records chgd to show Donald & Maurine
Chandler, David & Colleen Simmerman, C.H.
Byers, Frank & Alice Jackson as owners

11-4-75 Int of C.H. Byers Asgd to James Hawk;
3-28-79 Name chge from James Hawk to Jamison Hawk;
Partial Asgmt of Int of Jamison Hawk to
Beverly Hawk

4134

LICENSE

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO William D. Byers and
Bertha Byers

DATED SEP 2 1955

92897-5-53 314 SPO